

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ARKEMA, INC., et al.,

Plaintiffs,

v.

ASARCO, INC., et al.,

Defendants.

Case No. C5-5087RBL

ORDER

This matter comes before the Court on two motions by Defendant Weyerhaeuser Co. to exclude expert witness testimony. The first motion [Dkt. #190] seeks to exclude the testimony of Raleigh Farlow. The second motion [Dkt. #191] seeks to exclude the testimony of Dr. Brian Bornhold. Both motions urge the Court to exercise its “gatekeeper” function under *Daubert v. Merrill Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993) (Daubert I) and *Daubert v. Merrill Dow Pharmaceuticals, Inc.*, 43 F.3d 1311 (9th Circ. 1995) (Daubert II) to exclude the testimony as unreliable.

The Court has reviewed the materials submitted in support of, and in opposition to, the motions and hereby denies the motions without comment on the relative merits of the motions. This case is scheduled for a 15-day trial to the bench commencing May 7, 2007. The Court will hear the testimony of Raleigh Farlow and Dr. Brian Bornhold and determine the reliability of the testimony after it has been presented by plaintiff and after defendant has cross-examined the witnesses. In making its decision in this

1 case, the Court will not consider testimony that it considers unreliable or contrary to established scientific
2 principles.

3 Defendant's motions to exclude expert testimony [Dkt. #s 190 and 191] are **DENIED**.

4 DATED this 20th day of April, 2007.

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8 RONALD B. LEIGHTON
9 UNITED STATES DISTRICT JUDGE
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